

**Practitioner's Docket No.: 868\_007**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of: Teruo NISHIDA, Yorihisa UETAKE and Hiroaki IWATA

Ser. No.: 10/540,446

Group Art Unit: 1651

Filed: May 8, 2006

Examiner: Thane E. Underdahl

Confirmation No.: 4642

For: OPHTHALMOLOGICAL COMPOSITION

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CONTINUED EXAMINATION  
(37 CFR §1.114)**

1. Applicants hereby request continued examination, in accordance with 37 CFR §1.114, for the above identified application.
  
2. This request is being submitted:
  - i.  Prior to abandonment of the application
  - ii.  Payment of the issue fee
    - Prior to payment of issue fee
    - Issue fee has been paid but a petition under §1.313 was filed \_\_\_\_\_.
  - iii.  Prior to a decision on appeal to the Board of Patent Appeals & Interferences
    - A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.
  - iv.  Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145
    - Prior to the filing of such appeal or commencement of civil action
    - Such appeal or commencement of civil action has been terminated.
  - v.  Commencement of a civil action under 35 U.S.C. 146
    - Prior to the filing of such appeal or commencement of civil action
    - Such appeal or commencement of civil action has been terminated.

3. Please **Enter** and **Consider** the following *Previously Submitted Documents*:

Amendment filed September 11, 2009.  
 Brief on Appeal filed \_\_\_\_\_.  
 Other:

4. Enclosed herewith is/are:

An Information Disclosure Statement and Form PTO-1449  
 An Amendment  
 New arguments  
 New evidence in support of patentability  
 Other:

5. The filing fee has been calculated as shown below:

RCE Filing Fee (37 CFR §1.17(e))						\$ 810.00
Claims	Claims Remaining After Amendment		Highest Number Previously Paid	No. of Extra Claims Present		
Total Claims	5	Minus	20	0	\$ 52.00	
Independent Claims	1	Minus	3	0	\$ 220.00	
Multiple Dependent Claim(s) (if applicable)						\$ 390.00
<u>Extension of Term</u>						
a.	<input type="checkbox"/> Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.					
b.	<input checked="" type="checkbox"/> Applicant petitions for an extension of time, the fees for which are set out in 37 CFR §1.17(a)(1)-(4), for the total number of months checked below:					
	<input type="checkbox"/> One Month (37 CFR 1.17(a)(1)) .....					
	<input type="checkbox"/> Two Months (37 CFR 1.17(a)(2)) .....					
	<input checked="" type="checkbox"/> Three Months (37 CFR 1.17(a)(3)) .....					
If an additional extension of time is required, please consider this a petition therefor.						
<input checked="" type="checkbox"/> An extension for <u>2</u> months has already been secured, and the fee paid therefor of <u>\$490.00</u> is deducted from the total fee due for the total months of extension now requested.						\$ 620.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>						\$1,430.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR §1.27.						
<b>TOTAL FEES DUE =</b>						\$1,430.00

6. Payment of Fees

A check in the amount of \$\_\_\_\_\_ is enclosed.

Charge Deposit Account 50-1446 in the amount of \$\_\_\_\_\_.

The Total Fees Due were paid via EFS on Form PTO-875.

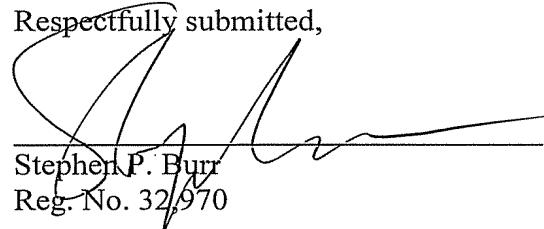
7. Authorization to Charge Additional Fees or Credit Overpayment

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446:

Any additional fees required under 37 CFR §1.17(e), §1.16(b)-(d) and/or §1.17(a)(1)-(4).

October 14, 2009

Date

Respectfully submitted,  
  
Stephen P. Burr  
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SPB/tlp

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